PAGE 3/13 * RCVD AT 4/21/2004 6:56:04 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7468000 * CSID:949 760 0404 * DURATION (mm-ss):04-02

CENTRAL FAX CENTER

APR 2 1 2004

PATENT

Case Docket No. LOCHT.060RA

Date: April 21, 2004

Page 1

In re application of

Thomas J. Lochtefeld

App. No.

09/848,972

Filed

May 4, 2001

For

SIMULATED WAVE WATER

SCULPTURE

Examiner

F. Lagman

Art Unit

3673

facsimile to Examiner F. Lagman, Fax No. (703) 305-7687 of the USPTO on the date shown below:

I hereby certify that this correspondence and all

marked attachments are being transmitted via

CERTIFICATE OF FAX TRANSMISSION

April 21, 2004

COMMISSIONER FOR PATENTS P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith in the above-identified application is:

- (X) Replacement Amendment in eight (8) pages.
- Status of Claims and Support for Claim Changes in two (2) pages. (X)
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- Please charge any additional fees, including any fees for additional extension of time, or credit overpayment (X) to Deposit Account No. 11-1410.

Glen L. Nuttall

Registration No. 46,188 Attorney of Record

Customer No. 20,995

(949) 760-0404

H:\DOCS\GLN\GLN-7622.DOC 042104

PAGE 1/13 * RCVD AT 4/21/2004 6:56:04 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/0 * DNIS:7468000 * CSID:949 760 0404 * DURATION (mm-ss):04-02

Don W. Mortona James B. Bear Daifell L. Olson William B. Bünker William H. Nieman Arthur S. Rose Arthur S. Rose
James F. Lesnidk
Ned A. Istraelsen
Drew S. Hamilton
Johr T. Saweil
John B. Boanga, Jr.
John B. Gonglier
Garard von Hoffmähn
Joseph R. Re Joseph R. Re
Catherine J. Holland
John M. Carbon
Karan Vogel Weil
Andrew H. Simpson
Jeffrey L. Van Hoobear
Deniel E. Altman
Stephen C. Jenean
Vito A. Canwan (i) Vib A. Canuso III
William H. Shreve
Lynde J. Zedra-Symes†
Steven J. Nataupsky
Paul A. Stowart
Joseph F. Jennings
Crain B. Bummers
AnneMarie Keiser
Brantod R. Babcock
Thomas F. Songal III Thomas F. Smogal, Jr. Michael H. Trenholm Diane M. Reed Diane M. Reed Ronald J. Behoenbaum John R. Kling Frederick S. Berretta Nancy W. Venska John P. Glazentanner Adeel B. Akhtar Thomas R. Arno David N. Weiss Daniel Hert, Ph.D. Douglas G. Mushihauser Lot) Les Yamaio Michael K. Friedland Dale C. Hunt, Ph.D. Richard E. Campbell Statey R. Halpern Lee W. Henderson, Ph.D. Mark M. Abumeri Jon W. Gurka

John W. Holsomb Joseph M. Reisman, Ph.O. Michael L. Fuller Eric M. Nelson Eric M. Nelson Mark R. Benedict, Ph.B. Peul N. Conover Robert J. Roby Sabing H. Lee Karolina A. Delgney Joseph S. Clantrand Villiam R. Zimmerman Paul C. Sielnhardt Edg S. Wenne Ch. D. Peric S. Fürman, Ph.D. Süsen M. Neitend James W. Hill, M.D. Deborah S. Shopherd Glen L. Nuttali Tirzah Abó Lowe Banjispel S. Gill Rose M. Thiessen, Ph.D. Michael A. Gulliana Mark J. Ketiz Rabindar N. Naruja Bruce S. Itchkawitz, Ph.D. Michael S. Okamoto John M. Grovet John M. Grover
Mallary K. De Mordier
Irlan A. Latwel
Amy C. Christebsen
Shaton S. Ng
Mark J. Gallagher, Ph.D.
Devid G. Jankowski, Ph.D.
Brian C. Horne
Person J. Labertlaut Payeon J. LoMeilleur Shoits N. Swarodp Ban A. Kelzenellenbogen Linda H. Liu Andrew N. Merickel, Ph.D. David L. Halber James F. Herkanhoff Soott Lorse Mitray Andrew M. Ootgles Maro T. Morley Sallme A. Merani, Ph.D. Sall K. Tshmessehi, Ph.D. Christy G. Lee Jonathen A. Hyman Curtias C. Doesler Joseph J. Mellon, Ph.D. Thomas P. Krzeminski Seen M. Murrey James F. Herkenhoff

Knobbe Martens Olson & Bear LLP

Intellectual Property Lew

2040 Main Street Fourteenth Floor Irvihe, CA 92614 Tel 949-760-0404 Fax 949-760-8502 kmeb.com

IMPORTANT NOTICE

information accompanying this facsimile The transmission is intended only for the use of the recipient named below. The information may contain confidential information which may also be legally privileged. If you have received this facsintile in error, please immediately notify us by telephone to arrange for return of the original documents to us. Any disclosure, copying, distribution or the taking of any action in reliance on the contents of faxed information received in error is strictly prohibited

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked etachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

April 21, 2004

Elentre Nill
Valorie L. Bracken
J. David Evered††
Jeremy P. Sanders
Perry D. Oldheim
Jetry L. Hefner, Ph.D.
Russell M. Jelde
Abraham W. Chleds
Pui Tong Ho, Ph.D.
Erk T. Anderson
Joha L. Pulk
Eric K. Merion
Josse A. Rothwell
Marc C. Saumgariner
Dandilo Klausner
Kyle P. Schlueler
Rapheel A. Guilerrez
Deniah K. Jackson
Nathan A. Engels
Gregory A. Hefmanaon
Zi Y. Wong
John N. Kandara
Malinew B. Beilinger
David K. Wighhe
Darryi H. Bloedsma, Ph.D.
Lauren Keller
Laur Carol M. Cahbon Carol M. Pilzei Josep A. Villaita Shella R. Gibson Andrew I. Kimmel Mika Fukuwa Curlle R. Hullmire Cutie R. Mulimire
Tibe Chan
Brenden Gingrich, Ph.D.
Chilstopher L. Rosa
Don W. Anthony, Ph.D.
John G. Rickenbrode Aaron D. Barkar Christian A. Fox M. Todd Helsa Eli A. Loois, Ph.D. Jennifer L. Enmon, Ph.D. Shualb A. Allque Ryan E. Melnick, Ph.D. Brian C. Leubitz

Yanna S. Boyria Philip M. Nelsch Karl L. Klassen

Jason T. Evans

Of Counsal Louis J. Knobbe* Jerry R. Saller

Japanese Palent Ally Kalsühiro Arai Tomohisa Sugiyaha

> Korean Patent Alby Mincheel Kim Heungaao Chol

Scientiale & Engineers (Non-Lawyers)

(Non-Lawyers)
Ralmond J. Set-maker*
Khürrah Rahman, Ph.D.
Jobhifer Haynas, Ph. D.**
Tohiny Y. Nagista
Che S. Chereakin, Ph.D.**
Jamiss W. Austoy**
Jahnifer Haylos**
Kirk E. Pestorian, Ph.D.**
Cohnie C. Tohg, Ph.D.**
Süzanas Jopson, Ph.D.**
Nire M. Brand**
Jaffray A. Hopklas** Nire M. Brand**
Jeitray A. Hopkine**
Jiffany C. Miller**
Jeines W. Chang, Ph.D.**
Marina L. Gordey, Ph.D.**
W. Frank Daulerer
Lang J. McHairdy**
Karen J. Lenker
Chels Weatherly, Ph.D.
Eric B. Ivos, Ph.D.**
Raymond D. Smith, Ph.D.

"A Professional Carparation
† Also Baritater At Law (29, 4 White)
" U.S. Patent Agent
†† Also Solicitor (216, 4 Water)

RECEIVED **CENTRAL FAX CENTER**

APR 2 1 2004

OFFICIAL

FACSIMILE TRANSMITTAL SHEET

TO:

Examiner Frederick Lyndon Lagman

FIRM:

UNITED STATES PATENT AND TRADEMARK OFFICE

46 189

GROUP ART UNIT:

3673

SERIAL NO.: 09/848,972

FILING DATE:

May 4, 2001

FAX NO .:

(703) 305-7687

FROM:

Glen L. Nuttall

CLIENT CODE:

LOCHT.060RA

TOTAL NUMBER OF PAGES: - 12 - (INCLUDING COVER SHEET)

DATE: April 21, 2004

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number:

(949) 760-0404

Direct Line to Machine:

(949) 760-9502

MESSAGE:

P.1713

Enclosed for filing in the above-identified patent application is a Replacement Amendment and Status of Claims and Support for Claim

Changes.

H:\DOCS\GLN\GLN-7625.DOC/042104

550 West C Street Suite 1200 San Diego GA 92101 Tel 619-235-8550 Fax \$19,235,0178

201 California Street Suito 1150 Sen Francisco CA 94111 Tel 415-954-4114 Fax 415-954-4111

1901 Avernue of the Sters Suite 1600 Los Angelos CA 90067 Tel 310-531-3452 Fax 310-551-3438

3403 Tenth Street Sulfo 700 Riverside CA 92501 Tal 903-781-9231 KMOB

1114 Marsh Street San Luis Obispo CA 93401 Tel 805-547-0380 Fex 805-647-5590

3:04PM

APR. 21.2004

YSS.ON

don W. Guite

Joseph J. Mallon, Fh.b. Thomas P. Krzeminaki Sean M. Mürray

Kari L. Klasson Jason T. Eusha

FACSIMILE TRANSMITTAL SHEET

TO:

Examiner Frederick Lyndon Lagman

FIRM:

United States patent and trademark office

GROUP ART UNIT:

3673

SERIAL NO.: 09/848,972

FILING DATE:

May 4, 2001

FAX NO.:

(703) 305-7687

FROM:

Glen L. Nuttall

CLIENT CODE:

LOCET.060RA

TOTAL NUMBER OF PAGES: - 12 - (INCLUDING COVER SHEET)

DATE: April 21, 2004

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number:

(949) 760-0404

Direct Line to Machine:

(949) 760-9502

MESSAGE:

Enclosed for filing in the above-identified patent application is a

Replacement Amendment and Status of Claims and Support for Claim

Changes.

H:\DOC6\GLN\GLN-7624.DOC/042104

500 Hourt C Street Suits 1200 San Diego CA 62407 Tel 978-215-2150 Fex 413-235-0478

201 Calibertia Street Seine 1150 Ian Prenchisto CA 84111 Tal 415-864-4114 Pan 415-854-4141

1991 Alvertus of the Sters State 1800 Los Angeles GA 19967

JANT Tenth Street

E-4) NO EUCRIWITE CONNECLION

HONG UP OR LINE FAIL REASON FOR

P. 12/12 BAGE

OK TJUSZA

2637569716

MEMORY TX 122

KNOB

HDDRESS (GROUP)

MOITHO

LIFE WODE

COMMUNICATION RESULT REPORT (APR. 21.2004 10:30AM) *

Ţ ^d

> P.2/13 YSS.ON

KWOB 3:04PM APR. 21.2004

PAGE 1213 * RCVD AT 4121/2004 6:36:04 PM [Eastern Daylight Time] * SVR: USPTO-EFXRF-210 * DNIS: 7468000 * CSID: 949 760 0404 * DURATION (mm-ss): 04-02

LOCHT.060RA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Thomas J. Lochtefeld Group Art Unit 3673 Reissue CERTIFICATE OF FAX TRANSMISSION Appl. No. 09/848,972 I hareby certify that this correspondence and all marked attachments are being facstralle transmitted to the Patent and Trademark Office on the date Filed May 4, 2001 Reissue of Patent No. 5,899,634 For SIMULATED WAVE WATER SCULPTURE Examiner F. Lagman

STATUS OF CLAIMS AND SUPPORT FOR CLAIM CHANGES

United States Patent and Trademark Office P.O. Box 2327 Arlington, VA 22202

Dear Sir:

Pursuant to 37 C.F.R. § 1.173(c), the status of the claims is as described below:

Patent Claims 1-8, 10-18 and 20-39 are currently pending. Added reissue Claims 42-49 and 51-85 are currently pending. In the accompanying Replacement Amendment, added reissue Claims 42, 51, 62 and 72 have been amended, added reissue Claim 50 has been cancelled, and reissue claims 82-85 have been added.

Support for the amendments to reissue Claims 42 and 51 is found at least in Figures 10A-B, 11A-B and 12 A-B, and in the specification at Col. 12, 11. 47-51. Support for the amendments to reissue Claim 62 is found at least in Figures 10B, 11B and 12B and in the specification at Col. 13, 1. 62 - Col. 14, 1. 5. Support for the amendments to reissue Claim 72 is found at least in Figures 10A-B, 11A-B and 12A-B and in the specification at Col. 13, 1. 62 - Col. 14, 1. 5.

PAGE 13/13 * RCVD AT 4/21/2004 6:56:04 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-210 * DNIS:7468000 * CSID:949 760 0404 * DURATION (mm-ss):04-02

Support for newly added reissue Claim 82 is found at least in Figures 12A-B and in the specification at Col. 13, l. 62 - Col. 14, l. 5. Support for newly added reissue Claim 83 is found at least in Figures 10A-B, 11B and 12B. Support for newly added reissue Claim 84 is found at least in Figures 10B, 11B and 12B. Support for newly added reissue Claim 85 is found at least in Figures 10A-B, 11A-B and 12A-B and in the specification at Col. 13, ll. 2-3.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

y. Carl Niv

Registration No. 46,188 Attorney of Record

Customer No. 20,995 (949) 760-0404

H:\DOCs\GLN\GLN-7573.DOC 040904